

**CITY OF CENTRAL, COLORADO
ORDINANCE 13-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CENTRAL, COLORADO, AMENDING PROVISIONS OF THE
MUNICIPAL CODE TO INCREASE THE MAXIMUM FINE FOR
MUNICIPAL ORDINANCE VIOLATIONS TO THE AMOUNT
AUTHORIZED BY SECTION 13-10-113, C.R.S., AS AMENDED**

WHEREAS, the City of Central is a home rule municipal corporation created and organized pursuant to Article 20 of the Colorado Constitution and the Home Rule Charter of the City of Central; and

WHEREAS, by virtue of Section 8.2 of the City's Home Rule Charter, the City has established a municipal court of record to hear and try all alleged violations of the ordinances of the City; and

WHEREAS, by adoption of House Bill 13-1060, the State of Colorado has recently amended Section 13-10-113, C.R.S., to increase the maximum fine amount which a municipal court may impose for violation of a municipal ordinance; and

WHEREAS, the previous maximum authorized penalty which the municipal court could impose for violation of the ordinances of the City was One Thousand Dollars (\$1,000.00); and

WHEREAS, the City desires to increase the maximum penalty which the municipal court may impose to conform to state law; and

WHEREAS, the maximum fine limit is set forth in numerous sections of the Municipal Code, all of which are amended as set forth herein.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CENTRAL, COLORADO THAT:

Section 1. **Incorporation of Recitals.** The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. **Amendment of Municipal Code Section 1-4-20(a).** Section 1-4-20(a) of the City of Central Municipal Code is hereby amended to read as follows:

- (a) All violations of any provision of this Code or any other ordinance of the City are hereinafter deemed noncriminal offenses and are civil matters, except those violations that are expressly designated as criminal offenses in Chapter 10 of this Code and which are punishable by imprisonment under any counterpart state statute. Trial of noncriminal offenses shall be to the Court. No defendant found civilly liable for a noncriminal offense shall be punished by imprisonment for said offense, but may be fined any amount not to exceed two thousand six hundred fifty dollars (\$2,650.00), as shall be adjusted for inflation on January 1, 2014, and on January 1 of each year thereafter based on the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Boulder, all items, all urban consumers, or its

successor index. Any person convicted of a criminal violation of any section of this Chapter shall be fined in a sum not more than two thousand six hundred fifty dollars (\$2,650.00), as shall be adjusted for inflation on January 1, 2014, and on January 1 of each year thereafter based on the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Boulder, all items, all urban consumers, or its successor index, or imprisoned not to exceed one (1) year or both so fined and so imprisoned, except as hereinafter provided in Section 1-4-30 below. In addition, such person shall pay all court costs imposed by the court.

Section 3. Amendment of Municipal Code Section 1-4-30. Section 1-4-30 of the City of Central Municipal Code is hereby amended to read as follows:

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to, a violation of any provision of this Code, except those provisions of Chapter 8, Article I of this Code, shall be punished by a fine not to exceed the maximum fine authorized by Section 1-4-20 of this Code.

Section 4. Amendment of Municipal Code Section 7-3-60(c). Section 7-3-60(c) of the City of Central Municipal Code is hereby amended to read as follows:

(c) Violations of this Section are punishable by a fine not to exceed the maximum fine authorized by Section 1-4-20 of this Code.

Section 5. Amendment of Municipal Code Section 8-1-40(16), subsection (3)(a). Section 8-1-40(16), subsection (3)(a) of the City of Central Municipal Code is hereby amended to read as follows:

(3)(a) Traffic infractions shall be subject to the following penalties:

Minimum Penalty	Maximum Penalty
A fine of \$25.00	A fine of up to the maximum fine authorized by Section 1-4-20 of the Municipal Code

Traffic offenses shall be subject to the following penalties:

Minimum Sentence / Penalty	Maximum Sentence / Penalty
1 day imprisonment, or fine of \$25.00, or both	Up to 1 year imprisonment, or a fine of up to the maximum fine authorized by Section 1-4-20 of the Municipal Code, or both

Section 6. Amendment of Municipal Code Section 8-1-60(d)(2). Section 8-1-60(d)(2) of the City of Central Municipal Code is hereby amended to read as follows:

(2) Every person convicted of a violation of any provision of this Article or of the Model Traffic Code shall be punished by a fine not exceeding the maximum

fine authorized by Section 1-4-20 of the Municipal Code, or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment, pursuant to and in accordance with the Fine Schedule, as the same may be amended from time to time.

Section 7. Amendment of Municipal Code Section 10-5-120(b). Section 10-5-120(b) of the City of Central Municipal Code is hereby amended to read as follows:

(b) The Fire Department, Police Department, and other City officials shall actively enforce the ban against open fires. Any person who maintains or allows an open fire shall be deemed to be guilty of a misdemeanor and fined up to the maximum fine authorized by Section 1-4-20 of this Code.

Section 8. Amendment of Municipal Code Section 13-2-180(b). Section 13-2-180(b) of the City of Central Municipal Code is hereby amended to read as follows:

(b) Water to be used for purposes other than fighting fires such as construction water, temporary irrigation use or out-of-City water hauling may be withdrawn from the City's Water General system after establishing an account to do so with the Finance Department and prepaying the applicable fees. The rates for purchase of water from the Water General will be established by ordinance of the City Council and shall be included in the City's fee schedule. Any person withdrawing water from a hydrant or the Water General without the required written authorization, through tampering or otherwise, shall be subject to a fine of up to the maximum fine authorized by Section 1-4-20 of this Code in addition to any other fees and penalties authorized by this Chapter. To the extent that the City may reasonably estimate the amount of water taken by a person illegally from a hydrant or the Water General, such person shall also pay three hundred percent (300%) of the normal rate applicable to such water usage.

Section 9. Amendment of Municipal Code Section 18-5-120(a)(2). Section 18-5-120(a)(2) of the City of Central Municipal Code is hereby amended to read as follows

(2) Fine the defendant property owner for each violation an amount not less than two hundred fifty dollars (\$250.00) nor more than the maximum fine authorized by Section 1-4-20 of this Code for this first violation; not less than five hundred dollars (\$500.00) nor more than the maximum fine authorized by Section 1-4-20 of this Code for the second violation; and not less than seven hundred fifty dollars (\$750.00) nor more than the maximum fine authorized by Section 1-4-20 of this Code for the third and each subsequent violation arising under this Article. No portion of any minimum fine may be suspended or held in abeyance by the Municipal Court.

Section 10. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 11. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed;

provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 12. **Effective Date.** This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 2nd day of July, 2013, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Marcus McAskin, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the 16th day of July, 2013.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on July 4, 2013.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on July 18, 2013.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk